Rosenberg Files Open At Justice

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The Justice Department has agreed to open to public inspection virtually all of its files in the Criminal Division and the U.S. attorney's office in Manhatten concerning the Rosenberg case.

The decision was revealed in affidavits filed with the U.S. District Court here yesterday in response to a freedom-of-information suit by Robert and Michael Meeropol, the sons of Julius and Ethel Rosenberg, who were executed in 1953 after being convicted for espionage.

"This opens up virtually everything in our files," said Jeffrey Axelrad, the Justice Department attorney who has been handling the case.

The Meeropols and their attorneys — and, presumably, other interested persons — will be permitted to examine the files in Washington and in the U.S. attorney's office in New York. They can obtain copies of any files they want by paying a fee.

THE MEEROPOLS also will be required to pay the government's costs in searching out the documents they have now gained access to through their lawsuit. Axelrad said those fees have not been determined but they could run into thousands of dollars.

While the decision revealed yesterday opens up the vast majority of all the documents in the two offices involved, it did not cover FBI files. The FBI still has until Nov. 15 to respond to the suit.

Axelrad acknowledged that the FBI files, a tiny proportion of which already have been made public, will be of the most interest in providing details about the investigation of the Rosenberg case.

The affidavits indicate that the Justice Department will exercise only limited restrictions on access to the files.

A major exception to the disclosure is the transcripts of grand jury testimony, which will not be made public.